UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA   :   **REVISED**
                                           PROTECTIVE ORDER
          -v.-   :
                                           18 Cr. 693 (RMB)
RICHARD GAFFEY,   :
   a/k/a "Dick Gaffey," and
HARALD JOACHIM VON DER GOLTZ,   :
   a/k/a "H.J. von der Goltz,"
   a/k/a "Johan von der Goltz,"   :

          Defendants.   :
- x

RICHARD M. BERMAN, District Judge:

On the motion of the United States of America, by Geoffrey S.

Berman, United States Attorney, by Sarah E. Paul, Assistant United

States Attorney, of counsel, and with the consent of defendant,

RICHARD GAFFEY, a/k/a "Dick Gaffey," by and through his counsel,

William J. Lovett, Esq., and defendant HARALD JOACHIM VON DER GOLTZ,

a/k/a "H.J. von der Goltz," a/k/a "Johan von der Goltz," by and

through his counsel, William Burck, Esq., and for good cause shown,

IT IS HEREBY ORDERED THAT:

1.   The documents and other materials provided by the

Government to GAFFEY and VON DER GOLTZ (together, the "defendants")

in this action pursuant to Rules 16 and 26.2 of the Federal Rules

of Criminal Procedure; Title 18, United States Code, Section 3500;

Brady v. Maryland; or *United States v. Giglio*, shall be treated as

"Confidential Information" if such documents, recordings, and other

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materials are:

(a) Not otherwise publicly available; and

(b) Contain and/or reflect any of the following:

(i)   The name, address, date of birth, telephone number, e-mail address, social security number, taxpayer identification number, driver's license number, financial account number, and/or any other personally identifying information of any individual;

(ii)   The bank records, credit card records, financial records, tax records, telephone records, immigration records, and/or personnel files of any individual.

2.   Confidential Information disclosed to the defendants or to their counsel during the course of proceedings in this action:

(a)   Shall be used by the defendants or their counsel only for purposes of this action.

(b)   Shall not be disclosed in any form by the defendants or their counsel except as set forth in paragraph 2(c) below.

(c)   May be disclosed by the defendants or their counsel only to the following persons (hereinafter "designated persons"):

(i)   each of the defendants who have signed this Order, and their counsel who have appeared in this action;

(ii) legal, investigative, secretarial, clerical, paralegal, and student personnel working on this action under the direction of the defendants' attorneys;

(iii) independent expert witnesses and other potential witnesses for the defense, and investigators or advisors retained by the defendants in connection with this action;

(iv) such other persons as hereafter may be authorized by the Court upon such motion by the defendants.

(d) Shall be returned to the Government or destroyed following the entry of either a final judgment in this case, or, in the event of an appeal and/or the filing of a motion under 18 U.S.C. § 2255, immediately following the disposition of the appeal and/or the § 2255 motion, absent further Order of the Court. This Order also applies to any copies – electronic, hard copy, or otherwise – that may have been made.

3. The defendants and their counsel shall provide a copy of this Order to designated persons to whom they disclose Confidential Information pursuant to paragraph 2(c). Designated persons shall be subject to the terms of this Order.

4. With respect to Confidential Information, any filings with any court shall be governed by Rule 49.1 of the Federal Rules

of Criminal Procedure.

5.   The provisions of this Order, including paragraph 4 above, shall not be construed as limiting the use that the defendants and their counsel may make of any documents produced pursuant to this Order in any motion, hearing, or trial held in this action.

6.   The Government has advised that information that may be subject to disclosure in this case may be contained within electronically stored information ("ESI") that the Government has seized pursuant to warrants issued during the course of the investigation.   The Government is authorized to disclose to counsel for the defendants, for use solely as permitted herein, the entirety of such seized ESI as the Government believes may contain disclosure material (the "seized ESI disclosure material").   The defendants, defense counsel, and personnel for whose conduct counsel is responsible, *i.e.*, personnel employed by or retained by counsel, may review the seized ESI disclosure material to identify items pertinent to the defense.   They shall not further disseminate or disclose any portion of the seized ESI disclosure material except as otherwise set forth under this Order.

7.   As to GAFFEY and his counsel, the provisions of this Order shall not apply to documents, recordings, and other materials that: (a) were produced by or seized from Elder Gaffey & Paine; or (b) are in GAFFEY's possession independent of the Government's production in this action.   Any such documents, recordings, and

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other materials shall not be treated by GAFFEY and his counsel as Confidential Information pursuant to this Order.

8.   As to VON DER GOLTZ and his counsel, the provisions of this Order shall not apply to documents, recordings, and other materials that: (a) were produced by or seized from VON DER GOLTZ; or (b) are in VON DER GOLTZ's possession independent of the Government's production in this action. Any such documents, recordings, and other materials shall not be treated by VON DER GOLTZ and his counsel as Confidential Information pursuant to this Order.

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9.   In the event of a change of counsel, subsequent counsel are bound by the terms of this Order.

Dated: New York, New York
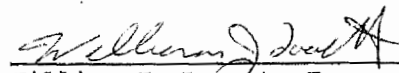   February 28, 2019

SO ORDERED:

RMB

THE HONORABLE RICHARD M. BERMAN
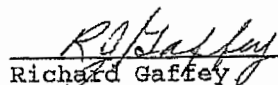UNITED STATES DISTRICT JUDGE

AGREED AND CONSENTED TO:

_____   2/28/19
Sarah E. Paul   Date
Assistant U.S. Attorney

_____   2/28/19
William J. Lovett, Esq.   Date
Attorney for Richard Gaffey

_____   2/28/19
Richard Gaffey   Date

_____   2/27/19
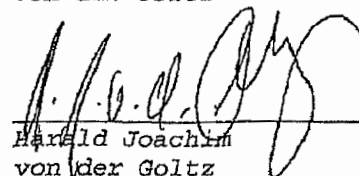William Burck, Esq./Daniel Koffmann   Date
Attorney for Harald Joachim
von der Goltz

_____   2/27/19
Harald Joachim   Date
von der Goltz

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